



Town of Acton, Massachusetts
Wetlands Protection Bylaw, Chapter F
Form E - Order of Conditions

DEP File No. 85-990
 Applicant Town of Acton - Engineering Dept.

From the ACTON CONSERVATION COMMISSION Issuing Authority
 To Bruce Stamski TOWN OF ACTON
 (Name of person making request) (Name of property owner)
 Address 472 Main Street, Acton MA 01720 Address SAME

This Order is issued and delivered as follows:

- by hand delivery to person making request on ASR 6/4/08 (date)
 by certified mail, return receipt requested on _____ (date)

This project is located at:

- ◆ Bridge A-02-008 - River Street over Fort Pond Brook at Carriage Drive (Atlas Map H-3)
- ◆ Bridge A-02-020 - River St. over Fort Pond Brook at Merriam Lane (Atlas Map H-3)
- ◆ Bridge A-02-021 - River St. over Fort Pond Brook at Vanderbelt Road (Atlas Map H-3)
- ◆ Bridge A-02-023 - Martin Street over Fort Pond Brook (Atlas Map H-2A)
- ◆ Bridge A-02-009 - Brook Street over Nashoba Brook (Atlas Map E-4)

The property is recorded at the Registry of Middlesex South (see attached Page E-7)

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on May 8, 2008 (date)

The public hearing was closed on May 21, 2008 (date)

Findings

The ACTON CONSERVATION COMMISSION has reviewed the above-references Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the ACTON CONSERVATION COMMISSION at this time, the ACTON CONSERVATION COMMISSION has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- | | | |
|---|---|--|
| <input type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |

Total filing fee submitted under Acton Wetlands Protection Bylaw \$ EXEMPT - MUNICIPAL

Therefore, the ACTON CONSERVATION COMMISSION hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The ACTON CONSERVATION COMMISSION orders that all the work shall be performed in accordance with the said conditions and with the Notice of Intent references above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one period of up to three years upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the ACTON CONSERVATION COMMISSION on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in the size bearing the words, "Massachusetts Department of Environmental Protection, File Number 85-990".
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**** PLEASE READ THE FOLLOWING GENERAL CONDITIONS REQUIRED BY THE
TOWN OF ACTON WETLANDS BYLAW ****

18. No work shall be undertaken until the Order of Conditions has been reviewed and is clearly understood by the Contractor or his agent. It is the Applicant's responsibility to see that the Contractor clearly understands all items herein.
19. This Order of Conditions shall apply to any successor in interest or successor in control.
20. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the Order and to require the submittal of any data deemed necessary by the Commission for that evaluations.
21. All drainage facilities and related structures and equipment shall be continually operated and maintained so as to comply with this Order of Conditions. The operation and maintenance of the facilities and structures shall be on-going and will not expire at the end of one year or with the issuance of the Certificate of Compliance.
22. Any change made, or intended to be made, in the plans shall require the applicant to file a new Notice of Intent, or to inquire of the Commission, in writing, whether the change is substantial enough to require a new filing.
23. The Conservation Commission shall have the right to file this Order of Conditions in the Registry of Deeds should the applicant fail to do so within 60 days.
24. Accepted engineering and construction standards and procedures shall be followed in the completion of this project.
25. The Commission shall be notified in writing 10 days prior to the commencement of any site work. Failure to so notify the Commission shall result in the issuance of an Enforcement Order.
26. The Petitioner is advised that this Order in no way absolves him of responsibility to other property owners upon whose land he discharges water directly or indirectly.
27. Erosion control measures consisting of staked haybales unless otherwise approved by the Commission shall be installed during the first phase of construction and the Commission shall be notified of their placement and no work shall begin before inspection by the Commission.
28. Any materials collected by the erosion control measures shall be removed and properly disposed of.
29. All work shall be completed as quickly as possible to minimize the duration of exposure of disturbed areas. If work is suspended for a significant period of time (i.e. as during winter months), then temporary stabilization methods must be employed and maintained during the period of inactivity.
30. No salt or other deicing chemicals shall be used on roadways and parking areas on the site.
31. This order applies only to the work described in the Notice of Intent and shown on the plans referenced in Condition 12. A Determination of Applicability Form must be filed for any additional work on site in areas governed by the Town of Acton Wetlands Protection Bylaw.

32. All disturbed areas shall be top-soiled six inches and seeded.
33. Violation of any condition of this Order may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until a hearing is held; such hearing will be held not more than 10 days from the issuance of the Enforcement Order.
34. The work authorized hereunder by the Acton Wetlands Protection Bylaw shall be completed within three years from the date of this Order unless the Order is renewed prior to expiration.
35. A fifty (50) foot setback of natural vegetation shall be maintained up-gradient from the wetland.
36. No construction, either temporary or permanent shall occur within seventy-five (75) feet of the edge of wetlands. This shall include driveways; roadways; residential, commercial or industrial structures, etc.
37. There shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the fifty (50) foot no construction zone.
38. There shall be no underground storage of gasoline, oil or other fuels or hazardous materials within the one-hundred (100) foot buffer zone.
39. The Commission reserves the right to impose additional conditions to mitigate any actual or potential impacts resulting from the permitted work.
40. All haybales placed for siltation prevention must be removed from the site within 30 days of the stabilization of the area of activity.
41. The work shall conform to the following plans and special conditions:

PROJECT DESCRIPTION:

Repairs and upgrades to existing bridges; locations as indicated on pages E-1 and E-7.

PLANS & DOCUMENTS:

1. NOI Supplemental Information
2. Phase I – Preliminary Report – Summary of Conditions & Recommendations for the Repair/Rehabilitation of Town Owned Bridges prepared by Chas. H. Sells, Inc. October 31, 2007
3. Checklist for Stormwater Report and Stormwater Report, Bruce Stamski, May 5, 2008
4. Stormwater Management Plan, Woodard & Curran, September 5, 2003
5. MESA Project Review Checklist, May 5, 2008

SPECIAL CONDITIONS:

1. The Applicant shall conduct activities involving water diversion during periods of low flow where feasible.
2. The Applicant shall report to the Commission regarding project status at the end of the work season in 2008, and shall provide such further updates as the Commission may request.

Issued by the ACTON Conservation Commission

Signature(s) _____

This Order must be signed by a majority of the Acton Conservation Commission.

On this 21st day of May, 2008, before me, the undersigned notary public, personally appeared Terence Mastrandrea proved to me through satisfactory evidence of identification, which were known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as Commissioner for the Acton Conservation Commission.

Andrea H. Ristine
Notary Public - Andrea H. Ristine

February 27, 2009
My Commission Expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310_CM.R 10.03(7) within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the **ACTON CONSERVATION COMMISSION** prior to commencement of work.

To ACTON CONSERVATION COMMISSION Issuing Authority

Please be advised that the Order of Conditions for the project at Bridge Repairs (various locations)

File Number 85-990 has been recorded at the Registry of Middlesex South and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19 ____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

PROJECT LOCATIONS:

Bridge #	a. Street Address	d. Latitude	e. Longitude	f. Assessors Map Plate Number	g. Parcel/Lot Number
Bridge A-02-008	River Street over Fort Pond Brook at Carriage Dr	42° 27' 24.4"	71° 26' 14.8"	Town Atlas Map H-3	N/A
Bridge A-02-020	River Street over Fort Pond Brook at Merriam Ln	42° 27' 29.6"	71° 26' 27.3"	Town Atlas Map H-3	N/A
Bridge A-02-021	River Street over Fort Pond Brook at Vanderbelt Rd	42° 27' 33.0"	71° 26' 35.4"	Town Atlas Map H-3	N/A
Bridge A-02-023	Martin Street over Fort Pond Brook	42° 27' 31.6"	71° 27' 44.6"	Town Atlas Map H-2A	N/A
Bridge A-02-009	Brook Street over Nashoba Brook	42° 29' 37.8"	71° 25' 15.5"	Town Atlas Map E-4	N/A

PROPERTY RECORDED AT THE REGISTRY OF DEEDS FOR: (multiple locations):

River Street (Bridge #A-02-008, #A-02-020 & A-02-021) - Town Atlas Map H-3
Middlesex County Commissioner Record Book, Entry Dated January 1848, Page 249

Martin Street (Bridge #A-02-023) - Town Atlas Map H-2A
Record Book 23604 Page 448 & Record Book 6204 Page 204

Brook Street (Bridge #A-02-009) - Town Atlas Map E-4
Record Book 7125 Page 38



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:
85-990

A. General Information

1. From: ACTON
 Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Bruce Stamski
 a. First Name b. Last Name
Town of Acton – Engineering Department
 c. Organization
472 Main Street
 d. Mailing Address
Acton MA 01720
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Steve Ledoux, Town Manager
 a. First Name b. Last Name
same
 c. Organization

 d. Mailing Address

 e. City/Town f. State g. Zip Code

5. Project Location:

Various locations – see page 11 ACTON
 a. Street Address b. City/Town
See page 11
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex South
 a. County b. Certificate Number (if registered land)
See page 11
 c. Book d. Page

7. Dates: May 8, 2008 May 21, 2008 May 21, 2008
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

See page 11
 a. Plan Title

 b. Prepared By c. Signed and Stamped by

 d. Final Revision Date e. Scale

 f. Additional Plan or Document Title g. Date



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	0	0	0	0
	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	0	0	0	0
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	0	0	0	0
	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

85-990

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



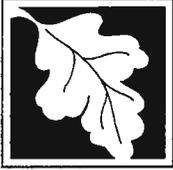
C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 85-990"



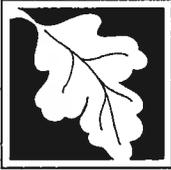
C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. **The work associated with this Order is (1) is not (2) subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
 - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement acceptable to the issuing authority evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make this log available to MassDEP and the Conservation Commission upon request; and
 3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.

k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

1. **The Applicant shall conduct activities involving water diversion during periods of low flow where feasible.**
2. **The Applicant shall report to the Commission regarding project status at the end of the work season in 2008, and shall provide such further updates as the Commission may request.**

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The ACTON hereby finds (check one that applies):
Conservation Commission

a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetland Protection Bylaw, Chapter F

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

SEE ORDER OF CONDITIONS ISSUED UNDER THE WETLAND PROTECTION BYLAW,

CHAPTER F, FORM E.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:
85-990

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance. Please indicate the number of members who will sign this form: This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

5-21-2008
 1. Date of Issuance
Five
 2. Number of Signers

Signatures:

James Madace
William Froberg
Terrence Maitland
Fran Portant
Robert J. Lee

Notary Acknowledgement

Commonwealth of Massachusetts County of Middlesex South
 On this 21st Day of May 2008 Year
 Before me, the undersigned Notary Public, personally appeared Terrence Maitland
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

KNOWN TO ME

Description of evidence of identification
 to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of ACTON City/Town Conservation Commission

Andrea H. Ristine
 Signature of Notary Public
 Andrea H. Ristine
 Printed Name of Notary Public
 February 27, 2009
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on 6/4/08 ADR
 Date

by certified mail, return receipt requested, on _____
 Date



G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

ACTON
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

ACTON
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

<u>Bridge Repairs (various locations)</u>	<u>85-990</u>
Project Location	MassDEP File Number

Has been recorded at the Registry of Deeds of:

<u>Middlesex South</u>	_____	_____
County	Book	Page

for:

 Property Owner

and has been noted in the chain of title of the affected property in:

_____	_____
Book	Page

In accordance with the Order of Conditions issued on:

 Date

If recorded land, the instrument number identifying this transaction is:

 Instrument Number

If registered land, the document number identifying this transaction is:

 Document Number

 Signature of Applicant



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

85-990

PROJECT LOCATIONS:

Bridge #	a. Street Address	d. Latitude	e. Longitude	f. Assessors Map Plate Number	g. Parcel/Lot Number
Bridge A-02-008	River Street over Fort Pond Brook at Carriage Dr	42° 27' 24.4"	71° 26' 14.8"	Town Atlas Map H-3	N/A
Bridge A-02-020	River Street over Fort Pond Brook at Merriam Ln	42° 27' 29.6"	71° 26' 27.3"	Town Atlas Map H-3	N/A
Bridge A-02-021	River Street over Fort Pond Brook at Vanderbilt Rd	42° 27' 33.0"	71° 26' 35.4"	Town Atlas Map H-3	N/A
Bridge A-02-023	Martin Street over Fort Pond Brook	42° 27' 31.6"	71° 27' 44.6"	Town Atlas Map H-2A	N/A
Bridge A-02-009	Brook Street over Nashoba Brook	42° 29' 37.8"	71° 25' 15.5"	Town Atlas Map E-4	N/A

PROPERTY RECORDED AT THE REGISTRY OF DEEDS FOR: (multiple locations):

River Street (Bridge #A-02-008, #A-02-020 & A-02-021) - Town Atlas Map H-3
 Middlesex County Commissioner Record Book, Entry Dated January 1848, Page 249

Martin Street (Bridge #A-02-023) - Town Atlas Map H-2A
 Record Book 23604 Page 448 & Record Book 6204 Page 204

Brook Street (Bridge #A-02-009) - Town Atlas Map E-4
 Record Book 7125 Page 38



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site)

Various Locations (see attached supplemental sheet)

Latitude and Longitude:

f. Assessors Map/Plat Number

Acton

b. City/Town

01720

c. Zip Code

d. Latitude

e. Longitude

g. Parcel # of Number

2. Applicant:

Bruce

a. First Name

Town of Acton

c. Organization

472 Main Street

d. Street Address

Acton

e. City/Town

(978) 264-9628

h. Phone Number

(978) 264-9630

i. Fax Number

MA

f. State

01720

g. Zip Code

N/A

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

Steve

a. First Name

Town of Acton

c. Organization

472 Main Street

d. Street Address

Acton

e. City/Town

(978) 264-9612

h. Phone Number

(978) 264-9630

i. Fax Number

MA

f. State

01720

g. Zip Code

N/A

j. Email address

Ledoux

b. Last Name

4. Representative (if any):

Corey

a. First Name

Town of Acton

c. Company

472 Main Street

d. Street Address

Acton

e. City/Town

(978) 264-9628

h. Phone Number

(978) 264-9612

i. Fax Number

MA

f. State

01720

g. Zip Code

N/A

j. Email address

York

b. Last Name

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$0

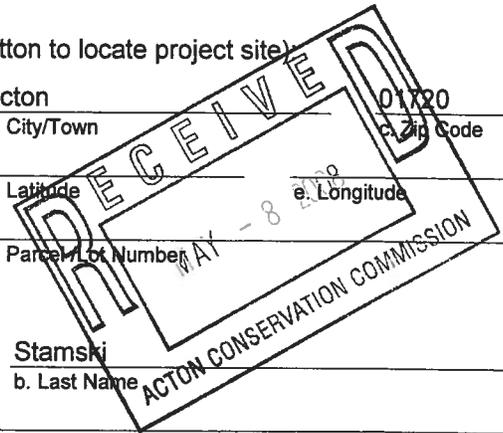
a. Total Fee Paid

\$0

b. State Fee Paid

\$0

c. City/Town Fee Paid





WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

The Town has contracted Chas H. Sells Inc. to inspect and evaluate ten (10) Town-owned bridges in Acton. As a result of their phase 1 report, Chas H. Sells recommended some immediate repairs to five (5) of the bridges to extend the structural capacity and upgrade the safety features of these bridges.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

CMR 10.53 Section 3(k) - maintenance of an existing drainage system under an existing public roadway.

8. Property recorded at the Registry of Deeds for:

Middlesex County - South District

a. County

b. Certificate # (if registered land)

See the attached supplemental sheet

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area

Size of Proposed Alteration

Proposed Replacement (if any)

a. <input checked="" type="checkbox"/> Bank	0 1. linear feet	0 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	0 1. square feet	0 2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	0 1. linear feet 0 3. cubic yards dredged	0 2. linear feet



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		_____ square feet
4. Proposed alteration of the Riverfront Area:		
a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
5. Has an alternatives analysis been done and is it attached to this NOI?		<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Was the lot where the activity is proposed created prior to August 1, 1996?		<input type="checkbox"/> Yes <input type="checkbox"/> No

3. **Coastal Resource Areas: (See 310 CMR 10.25-10.35)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BWV	b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm>.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

2006

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	0%
	percentage/acreage
(b) outside Resource Area	0%
	percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: <http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only

- b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

- a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

- a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System.

- b. No. Check why the project is exempt:

1. Single-family house

2. Emergency road repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant <i>[Handwritten Signature]</i>	2. Date <u>5/5/08</u>
3. Signature of Property Owner (if different) <i>[Handwritten Signature]</i>	4. Date <u>5/5/08</u>
5. Signature of Representative (if any) <i>[Handwritten Signature]</i>	6. Date <u>5/5/08</u>

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

**WPA Form 3 – Notice of Intent
Supplemental Information**

Project: Proposed Repair/Rehabilitation of Town Owned Bridges

A. General Information:

1.) Project Location:

Bridge #	a. Street Address	d. Latitude	e. Longitude	f. Assessors Map/Plat Number	g. Parcel/Lot Number
Bridge A-02-008	River Street over Fort Pond Brook at Carriage Dr	42° 27' 24.4"	71° 26' 14.8"	Town Atlas Map H-3	N/A
Bridge A-02-020	River Street over Fort Pond Brook at Merriam Ln	42° 27' 29.6"	71° 26' 27.3"	Town Atlas Map H-3	N/A
Bridge A-02-021	River Street over Fort Pond Brook at Vanderbilt Rd	42° 27' 33.0"	71° 26' 35.4"	Town Atlas Map H-3	N/A
Bridge A-02-023	Martin Street over Fort Pond Brook	42° 27' 31.6"	71° 27' 44.6"	Town Atlas Map H-2A	N/A
Bridge A-02-009	Brook Street over Nashoba Brook	42° 29' 37.8"	71° 25' 15.5"	Town Atlas Map E-4	N/A

8.) Property recorded at the Registry of Deeds for: (multiple locations):

River Street (Bridge #A-02-008, #A-02-020 & A-02-021) - Town Atlas Map H-3
Middlesex County Commissioner Record Book, Entry Dated January 1848, Page 249

Martin Street (Bridge #A-02-023) - Town Atlas Map H-2A
Record Book 23604 Page 448 & Record Book 6204 Page 204

Brook Street (Bridge #A-02-009) - Town Atlas Map E-4
Record Book 7125 Page 38

A. 6.) **General Project Description:**

The Town has contracted Chas H. Sells Inc. to inspect and evaluate ten (10) Town-owned bridges in Acton. As a result of their phase 1 report, Chas H. Sells recommended the following immediate repairs to five (5) bridges listed below to extend the structural capacity and upgrade the safety features of these bridges.

Bridge No. A-02-008 (River Street over Fort Pond Brook at Carriage Drive)

The corrugated steel deck arch and lower connection plates be cleaned and coated with a new protective coating, particularly at the lower ends where the steel plate meets the concrete abutments.

Bridge No. A-02-009 (Brook Street over Nashoba Brook)

The steel corrugated pipe arch culverts be cleaned and coated with a new protective coating. Also, voids between the headwalls and pipe arches shall be filled to prevent the infiltration of water behind the pipe arches. Lastly, the stone masonry bridge rail and headwalls shall be re-pointed to fill the large gaps in the mortar.

Bridge No. A-02-020 (River Street over Fort Pond Brook at Merriam Lane)

The steel corrugated pipe culverts be cleaned and coated with a new protective coating. Also, voids between the headwalls and pipe arches shall be filled to prevent the infiltration of water behind the pipe arches. Riprap shall also be placed at the culvert ends to prevent undermining.

Bridge No. A-02-021 (River Street over Fort Pond Brook at Vanderbilt Road)

The steel corrugated pipe arch culverts be cleaned and coated with a new protective coating. Also, voids between the headwalls and pipe arches shall be filled to prevent the infiltration of water behind the pipe arches. Riprap shall also be placed at the culvert ends to prevent undermining and the failed section of the southwest wingwall should be rebuilt.

Bridge No. A02-023 (Martin Street over Fort Pond Brook)

The steel corrugated pipe arch culverts be cleaned and coated with a new protective coating, weld/fasten steel corrugated plates over the areas where there is 100% section loss (holes) and severe rusting and steel delamination, place a reinforced concrete paved invert in both pipe arches, fill the voids between the headwalls and the pipe arches to prevent the infiltration of water behind the pipe arches and place riprap at both ends to prevent undermining.

CONTROL OF WATER

The water control measures shown in the Plans represent current methods used by MassHighway in diverting water so that work can be accomplished “in-the-dry” and so that sediments can be contained.

The control of water conforms to the relevant provisions of Section 140 of the MassHighway Standard Specifications and the following:

This work includes all dewatering necessary to accomplish the rehabilitation of the existing structures as shown on the Plans.

The Contractor’s attention is directed to the section of these Special Provisions that addresses the requirements for Sedimentation and Erosion Controls for this project.

Stream diversions and dewatering of excavation shall be conducted to ensure that the existing corrugated metal pipes can be repaired and/or recoated with protected coating and that new riprap can be placed “*in the dry.*”

As part of the work, it is the responsibility of the Contractor to determine the need and extent of stream diversions, sedimentation basins and dewatering techniques and sedimentation controls needed to control water and sediment at the site. During the actual process of executing the excavation operations, the Contractor shall submit the methods and materials he/she proposes to use for the Town’s approval.

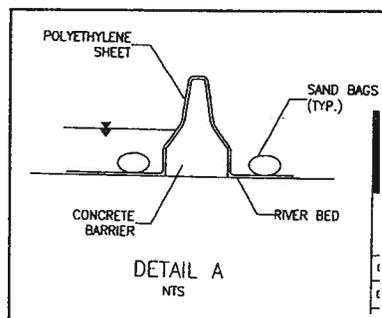
Construction Methods

Stream diversions shall be conducted in such a manner as to minimize siltation and prevent contamination of the waterway.

Maximum screen sizes on the inlet side of all pumps shall not exceed ½ inch.

Recommended devices to control water at the site include, but are not limited to:

- Installation of precast concrete median barriers or blocks covered with sedimentation fabric and sandbags to reduce water infiltration.



- Sandbag dams installed at the top of the excavation to provide temporary Control of water.
- Portable cofferdam system comprised of steel frames covered by an impervious fabric membrane.
- Temporary interlocking steel sheeting.

The Contractor is advised that the effectiveness of the water control method used will vary based on the field conditions and the time at which the actual excavation work is being performed. The Town has the right to order the Contractor to stop all operations when in his/her judgment the Contractor's water control operations are failing to produce adequate results or are posing a threat to the environment.

The Contractor shall provide the means of removing all sediment from water pumped from the excavation areas; this shall include the use of sedimentation basins, check dams, sedimentation fences or tanks.

PROTECTIVE COATINGS:

The metal corrugated bridges are proposed to be re-coated with a standard bituminous coating which is similar to what was originally applied. The coating would most likely be spray applied and be a minimum of 0.05" thick outside the normal water regions and 1/8" minimum thick within the normal water level areas. The coating would conform to AASHTO M-190 (Type A and C Coatings).

REINFORCED CONCRETE PAVED INVERT
(Bridge No. A02-023 -Martin Street over Fort Pond Brook)

Description

Work under this Item shall consist of installing a reinforced concrete paved invert in the metal corrugated elliptical pipe arches in accordance with the Plans and manufacturer's recommendations, and as directed by the Town.

Materials

Non-shrink grout for pavement lining shall conform to the following requirements:

- (a) Bagged, pre-mixed formulations of non-shrink grout shall meet the requirements of ASTM C 1107, Grade B. The grout must be mixed with potable water for use. The grout shall be mixed to a flowable consistency as determined by ASTM C 230. All bagged material shall be clearly marked with the manufacturer's name, date of

- production, batch number and written instructions for proper mixing, placement and curing of the product.
- (b) The Contractor may formulate and design a grout mix for use on the project in lieu of using a pre-bagged product. The Contractor must obtain prior written approval of the Engineer for any such proposed mix design. Any such mix design shall include the proportions of hydraulic cement, potable water, fine aggregates, expansive agent, and any other necessary additive or admixture. This material shall meet all of the same chemical and physical requirements as must the pre-bagged grout, in accordance with ASTM C 1107, Grade B.

The non-shrink grout for pavement lining shall have a minimum 28 day compressive strength of 35 MPa.

Welded steel wire fabric shall conform to Section M8.01.2 and shall be Hot-Dip Galvanized in conformance with ASTM A123.

All bolts, nuts, coupling nuts and washers shall be galvanized in conformance with ASTM A153.

All bolts shall conform to ASTM A307.

All nuts shall conform to ASTM A563M.

Construction Methods

Concrete pavements shall be placed after the pipe has been prepared.

Pavements shall have a troweled surface finish.

Pavements may be placed by hand or slip forming methods. They must be placed in a full thickness, as shown on Plans, screeded and finished to the necessary smoothness.

All reinforcement is set-up off the corrugation crests to the center of the pavements over the crest and anchored

The interior surface areas of pipes to be paved shall be cleaned and free of running water. Dirt and construction debris shall be removed. Brushing, sweeping or flushing are appropriate means of cleaning.

The area of pipe to receive concrete pavement shall be field coated after being cleaned in conformance with AASHTO Standard Specifications M243-94.

The pavement lining is to be placed in dry conditions and adequately cured to preclude erosion of the concrete, loss of cement or the formation of excessive laitance.

Curing operations shall begin immediately following the completion of the placement of the pavement or lining in a section of pipeline and shall continue for a minimum period of 7 days or as directed by the Engineer. The surface of the concrete shall be kept moist during the cure period.

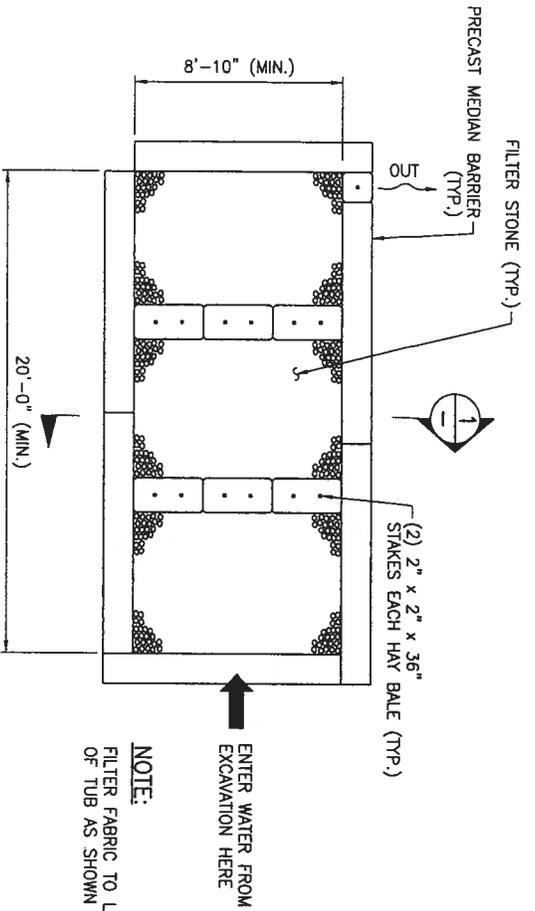
The Contractor shall furnish compression test specimen at sufficient intervals to demonstrate the 7, 14 and 28-day compressive strength levels of the concrete used as directed by the Engineer.

Defects in pavements and linings include, but are not limited to, sand pockets, voids, excessively cracked areas, lining thicknesses or concrete compression strengths or finished surfaces that do not meet the requirements of this standard practice.

For trowel finished applications, 10 locations in each days production shall be selected in accordance with a predetermined sampling method agreed to by the Engineer. In each of the 10 places, a 300mm straight edge shall be laid parallel to the axis of the pipe. In no fewer than 9 out of 10 locations, any gap between the finished surface and the straight edge must be no greater than 3.2mm.

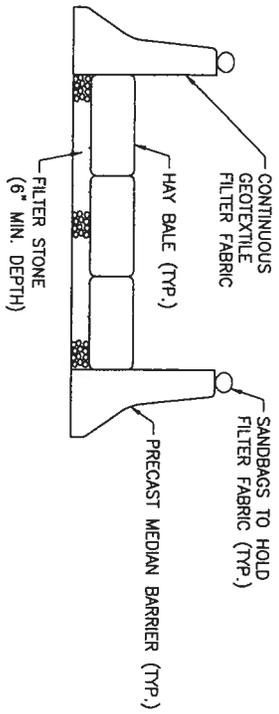
When agreed upon by the Contractor and Engineer, areas found to be defective may be repaired. Defective areas that extend less than one pipe diameter in length along the pipeline may be repaired by hand methods. Larger areas shall be repaired by the same methods used in the original concrete placement. All repairs shall require the same methods used in the original concrete placement. All repairs shall require the defective materials to be removed, the exposed pipe to be cleaned and new concrete to be placed in accordance with this Specification. When suitable repairs are not made to bring the pavement into compliance with this standard practice, the work shall be rejected.

Temperature and shrinkage cracks less than 1.6mm in width do not require repair. Cracks wider than 1.6mm need not be repaired if it can be demonstrated to the satisfaction of the Engineer that the cracks will heal autogenously under continuous soaking in water. Autogeneous healing may be demonstrated by any procedure that keeps the concrete continuously wet or moist.



NOTE:
 REQUIRED SIZE TO BE DETERMINED
 BY CONTRACTOR AS APPROVED BY
 THE ENGINEER

NOTE:
 FILTER FABRIC TO LINE INSIDE
 OF TUB AS SHOWN IN SECTION A



SECTION 1
FILTER BASIN
 SCALE: N.T.S.

FILTER BASIN NOTES:

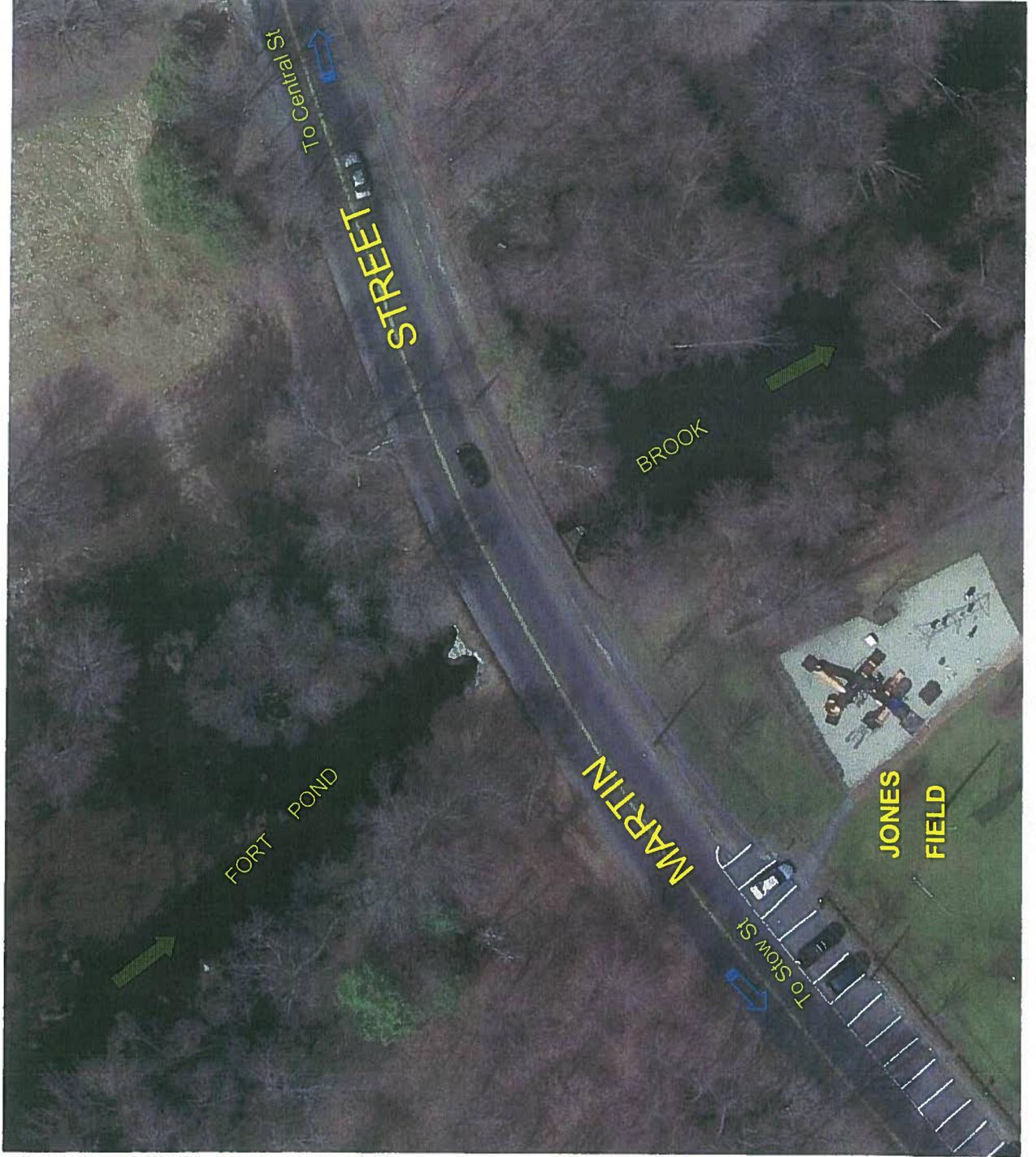
1. THIS WORK SHALL CONSIST OF THE CONSTRUCTION OF A FILTER BASIN TO BE USED DURING DEWATERING FOR THE PURPOSE OF DESILTING WATER BEFORE BECOMING SEDIMENT-LADEN. THIS SHALL BE ACCOMPLISHED BY MEANS OF PUMPING IT FROM THE CONSTRUCTION SITE INTO THE FILTER BASIN LOCATED AT AN ACCEPTABLE UPLAND AREA (SEE NOTE 6). PUMPING INTO THIS BASIN SHALL CEASE BEFORE THE FLOW FROM THE BASIN BECOMES SEDIMENT-LADEN.
2. SURFACE WATER FLOW SHALL BE DIVERTED AROUND THIS DEVICE.
3. THE CONTRACTOR SHALL PREVENT CHANNELIZED FLOW AND EROSION DUE TO FILTER BASIN DISCHARGE BY INSTALLATION OF ADEQUATE EROSION PROTECTION.
4. ONCE THE FILTER BASIN BECOMES FILLED TO 1/2 OF THE HEIGHT OF THE HAY BALES, ACCUMULATED SEDIMENT SHALL BE REMOVED AND DISPOSED OF IMMEDIATELY IN AN APPROVED DISPOSAL AREA OUTSIDE THE CONSTRUCTION SITE.
5. SEDIMENT CONTROL DEVICES ARE TO REMAIN IN PLACE UNTIL ALL DISTURBED AREAS ARE STABILIZED AND THE ENGINEER APPROVES THEIR REMOVAL. GROUND CONTOURS SHALL BE RETURNED TO THEIR ORIGINAL CONDITIONS UNLESS SPECIFICALLY APPROVED OTHERWISE BY THE ENGINEER.
6. LOCATION OF FILTER BASIN
 INITIAL LOCATION OF THE FILTER BASIN SHALL BE AS SHOWN ON THE PLANS BUT FINAL LOCATION OF THE BASIN SHALL BE RESERVED FOR THE RESIDENT ENGINEER'S JUDGMENT DEPENDING ON THE SITE STAGING CONSTRAINTS. THIS LOCATION MUST REMAIN IN AN UPLAND AREA OUTSIDE OF THE RIVER (LAND UNDER WATER) AND BORDERING VEGETATED WETLANDS.

**EXAMPLE
 OF
 SEDIMENT FILTER BASIN**

Brook Street over Nashoba Brook – Bridge #A-02-009



Martin Street over Fort Pond Brook – Bridge #A-02-023



River Street over Fort Pond Brook – Bridge #A-02-008



River Street over Fort Pond Brook – Bridge #A-02-020



River Street over Fort Pond Brook – Bridge #A-02-021

